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Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Report of the Secretary-General

Summary

The present report contains the fourth annual budget performance report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994.

An amount totalling $50,879,100 net ($56,736,300 gross) was initially appropriated for 1998 by the General Assembly in its resolution 52/218 of 22 December 1997. Having considered the report of the Secretary-General and the revised estimates for 1998 contained therein (A/C.5/52/14), the General Assembly in its resolution 53/213 of 18 December 1998 approved a revised appropriation totalling $48,043,400 net ($52,297,900 gross).

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During 1998, expenditure amounted to $50,430,000 net ($54,509,900 gross), resulting in an over-expenditure of $2,386,600 net ($2,212,000 gross), including unliquidated obligations of $8,120,500. The over-expenditure has been charged as the first charge against the 1999 appropriation, the second year of the financial period 1998-1999. The unliquidated obligations as of 31 December 1998 are being liquidated, and any unliquidated obligations identified as not required will be cancelled and reflected in the reserve and fund balance to be reported in the financial statements for the biennium 1998-1999 ending 31 December 1999.

I. Introduction

1. The present budget performance report for 1998 is submitted in accordance with General Assembly resolution 49/251 of 20 July 1995. The performance indicator statistics for 1998 are provided in the annex to the present report, in accordance with General Assembly resolution 52/218 of 22 December 1997.

2. Activities of the International Criminal Tribunal for Rwanda during 1998 resulted in three indictments involving 10 persons, bringing the total number of indictments to 27, involving 45 individuals, since the inception of the Tribunal. Of the 45 individuals indicted by the Tribunal, 31 were apprehended by various States and handed over to the Tribunal for detention in its detention facilities. One indictee arrested in the United States of America is being held in that country pending transfer to Arusha. The first judgement ever handed down in a case of genocide was rendered by the Tribunal on 2 September 1998 in the *Prosecutor v. Jean-Paul Akayesu* case. Furthermore, on 1 May 1998 the Tribunal recorded the first guilty plea to a charge of genocide by an accused person before an international tribunal.

3. During the year under review, four trials were completed, including one that resulted in a guilty plea. By the end of 1998, there were 12 cases in advance stages of pre-trial litigation. A tracking operation by the Office of the Prosecutor in mid-1998 resulted in the arrest in West Africa (Benin, Côte d'Ivoire, Mali and Togo) and subsequent transfer for detention of six new suspects. In addition, one suspect surrendered to the Tribunal in Arusha. As at 31 December 1998, 32 detainees had been remanded to the United Nations Detention Facility.

4. At the request of the Tribunal, the Security Council decided, by its resolution 1165 (1998) of 30 April 1998, to establish a third Trial Chamber in response to the difficulties encountered by the trial judges in discharging their responsibilities and in the light of the increasing number of detainees. The General Assembly also elected three additional judges to serve in the third Trial Chamber of the Tribunal.

5. Measures were taken to improve the management of personnel, premises and logistics. With the marked improvement in the recruitment of staff, which totalled 138 for 1998, the vacancy rate as at the end of the year was reduced from 29 per cent to 19 per cent. Furthermore, in consultation with the Department of Management, the Registrar in December 1998 established a Recruitment Task Force to further expedite the recruitment of staff for the Tribunal. The utilization of gratis personnel by the Office of the Prosecutor was phased out in February 1999 in accordance with General Assembly resolution 52/234 of 26 June 1998.

6. Additional office space had to be rented outside the Arusha International Conference Centre and preliminary planning for additional office space for the Kigali office was initiated.

7. The third courtroom, with special security features, the construction of which commenced in mid-September 1998, was operational by January 1999. The courtroom has the capacity to handle single or multiple defendants, as well as self-contained and secure office space for judges, witnesses and accused, and a public gallery to accommodate more than 100 persons. Work was begun on adapting the other two existing courtrooms to conform with the new design developed for the Tribunal's courtrooms and the remodelling of the offices for the Judicial and Legal Services Division. Construction activities at the United Nations Detention Facility during 1998 included construction of a water tower, perimeter fencing, security lights and observation towers.

8. Transport services and communications remained a concern for the Tribunal. Delays were encountered in the procurement of vehicles, thus adding to the difficulties in providing transport for staff in Arusha. As regards communications, the Tribunal continued to upgrade its satellite configuration and capability with the objective of obtaining better access to the Internet/Lexis-Nexus and securing voice, data and facsimile communications in order to link Arusha and Kigali with The Hague, where the Prosecutor is based.

Budget performance

9. As shown in the table, an over-expenditure in the amount of $2,386,600 has been recorded for the International Criminal Tribunal for Rwanda. It will be recalled that in the context of the revised estimates submitted in October 1998, based on a review of 1998 expenditures incurred in the first six months of 1998 and anticipated expenditures for the last six months of the year, it appeared that the total expenditures, after taking into account the additional requirements of the Tribunal and expenditure trends at that date, would yield an unencumbered balance of $2,835,700. Accordingly, it was proposed to reduce the 1998 appropriation by a corresponding amount. This proved to be overly optimistic. Expenditure patterns for the first six months did not prove to be indicative of the requirements of the Tribunal. The over-expenditure of $2,386,600 recorded at the end of 1998 has been met as a first charge to the 1999 appropriation, the second year of the financial period 1998-1999.

II. Performance report for 1998

Overall appropriation and expenditure

(Thousands of United States dollars)

Object of expenditure	*Appropriation (a)*	*Expenditure (b)*	*Variance (c) a - b*
Posts (net of staff assessment)	33 221.1	33 938.3	(717.2)
Other staff costs	1 827.2	1 964.1	(136.9)
Salaries and allowances of judges (including common costs)	916.4	900.6	15.8
Consultants and experts	68.8	97.5	(28.7)
Travel	1 857.0	2 146.4	(289.4)
Contractual services	3 068.5	3 473.8	(405.3)
General operating expenses	2 306.5	3 878.1	(1 571.6)
Hospitality	6.5	8.5	(2.0)
Supplies and materials	1 440.5	1 325.9	114.6
Alterations to premises	325.2	305.6	19.6
Furniture and equipment	2 876.6	2 288.8	587.8
Grants and contributions	129.1	102.4	26.7
Staff assessment	4 254.5	4 079.9	174.6
Total (gross)	**52 297.9**	**54 509.9**	**(2 212.0)**
Income from staff assessment	4 254.5	4 079.9	174.6
Total (net)	**48 043.4**	**50 430.0**	**(2 386.6)**

10. These over-expenditures consist of increases of $2,781,000 under the Registry, partly offset by decreases under the Chambers ($85,200) and the Office of the Prosecutor ($309,200). Significant variances between the 1998 revised appropriation and actual expenditures are explained in the paragraphs below.

11. The unliquidated obligations amounting to $8,120,500 as of 31 December 1998 are being liquidated, and any unliquidated obligations identified as not required will be cancelled and reflected in the reserve and fund balance to be reported in the financial statements for the biennium 1998-1999 ending 31 December 1999.

Posts (Increase: $717,200)

12. The increase reflects the net effect of increases of $2,846,000 under common staff costs, partly offset by savings under salaries ($2,128,800). At the time of the preparation of the revised estimates, it was projected that, at the end of December 1998, the number of posts anticipated to be vacant would be 73, that is, 35 at the Professional level and 38 in General Service and related categories. As at 31 December 1998, there were 61 vacant posts at the Professional level, 34 international posts in the General Service and related categories, and 13 at the Local level, resulting in savings under salaries. On the other hand, as a result of greater recruitment efforts by the Tribunal during the latter part of the year, an increase of $2,846,000 was recorded under common staff costs. In this connection, costs associated with common staff costs, such as travel on transfer appointment, installation, shipment of personal effects, etc., are abnormally high at the time of initial appointment of staff. As 56 vacant posts, including 19 Professional posts, were filled during the last two months of 1998, a significant increase arose under common staff costs. This factor had not been taken into account at the time of the preparation of the 1998 revised budget estimates.

Other staff costs (Increase: $136,900)

13. The increase of $136,900 relates to the recorded over-expenditure under overtime amounting to $236,900, partly offset by savings of $100,000 under general temporary assistance. The additional requirements under overtime resulted from a substantial amount of overtime for both international and local support staff who, owing to recruitment delays, were needed to work extra hours. Although prevalent throughout the Tribunal, this was particularly true in the case of staff of the security and safety, transport and personnel, and finance services. As regards general temporary assistance, the savings ($100,000) resulted from lower than anticipated costs for hiring of local staff as secretaries, drivers and cleaners to meet immediate and short-term needs during peak workload periods.

Salaries and allowances of judges (including common costs) (Decrease: $15,800)

14. The saving is attributable to lower than anticipated requirements for common staff costs.

Consultants and experts (Increase: $28,700)

15. The increased requirements ($28,700) under this heading relate to the Office of the Prosecutor and are attributable primarily to the larger than anticipated number of expert witnesses presented by the Prosecutor to appear before the Court.

Travel (Increase: $289,400)

16. The increased requirements of $289,400 relate to the Office of the Prosecutor ($239,000) and to the Registry ($110,400) and are partially offset by savings of $60,000 under the Chambers. The additional requirements under the Office of the Prosecutor are attributable to the following:

(a) Trial teams were required by the Chambers and by the exigencies of cases to remain in Arusha for prolonged periods to confer on a regular basis with the judges and to prepare and register motions relating to ongoing trials;

(b) The Intelligence Tracking Team had to undertake extensive travel within West Africa, North America and Europe, for which no provision had been made in the 1998 budget, to target investigations on persons who had occupied positions of authority at the time of the genocide;

(c) Assistance and support had to be provided to a detainee and his family, requiring their relocation until a permanent country could be identified that would grant them permanent residence. No provisions had been made for this purpose in the 1998 budget.

The over-expenditure in the Registry is attributable to the increased requirements for the travel of senior officials of the Tribunal to various countries seeking extradition of suspects, consultations with senior officials at Headquarters and local travel of administrative staff to Nairobi and Kigali.

Contractual services (Increase: $405,300)

17. The 1998 appropriation was based on 19 defendants to be provided with a corresponding number of lead Counsel who would defend an accused found unable to provide his/her own legal representation. It was also estimated that out of the 19 defendants, 7 would be requesting a co-counsel. During the course of the year, the actual number of defendants turned out to be 32, with a corresponding number of Defence Counsel. In addition, compared to the original estimate that only seven defendants would be requesting a co-counsel and an assistant, 13 chose to have a co-counsel, an investigator and an assistant. The variance between the original projection and actual experience resulted in an over-expenditure of $405,300 under this heading.

General operating expenses (Increase: $1,571,600)

18. The additional requirements relate to the rental and maintenance of premises ($45,900), utilities ($10,700), communications ($1,075,600) and miscellaneous services ($439,400). The additional requirement for rental and maintenance of premises is attributable to the rental of additional space for the United Nations Detention Facility and upgrading of the facility's water supply lines and electrical distribution system. With regard to utilities, electricity billings in Arusha are normally late by three to six months. The increased requirements for utilities relate to the need for payment in 1998 of electricity bills for the last quarter of 1997 resulting from the delayed billing.

19. The increased requirements under communications resulted from the obligations made to cover the costs of telephone charges incurred under the United Nations Telephone Network System. However, the communications expenditures relating to the Network have also been charged directly to the Tribunal's account at Headquarters. The major portion of the obligations ($927,100) will therefore be liquidated in the accounts for the financial period ending 31 December 1999. The additional requirements for miscellaneous services relate mainly to additional requirements for various services, including courier service, medical examination, laundry of uniforms, rental of forklift/crane, repair of vehicles, general insurance, freight and bank charges.

Hospitality (Increase: $2,000)

20. An increase of $2,000 relates to hospitality for the unexpected increase in the number of visits to the Tribunal by delegations from Member States.

Supplies and materials (Decrease: $114,600)

21. Consumption of supplies and materials is directly related to the number of staff on board. Owing to the variance between projected vacancy rates (i.e., 12.5 per cent) and actual vacancy rates of 19 per cent, a corresponding saving of $114,600 was recorded under this heading.

Alteration to premises (Decrease: $19,600)

22. The savings of $19,600 resulted from lower costs than expected for the construction of the perimeter walls of the United Nations Detention Facility, observation towers, segregation walls and sanitation work undertaken during 1998.

Furniture and equipment (Decrease: $587,800)

23. The decrease of $587,800 reflects the under-expenditure recorded, primarily because of the delays encountered in the procurement of 18 vehicles for Arusha and 12 vehicles for Kigali.

Grants and contributions (Decrease: $26,700)

24. The savings of $26,700 under contributions to joint administrative activities reflect the reduced expenditures under jointly funded activities for the Field Security Office.

Staff assessment (Decrease: $174,600)

25. The reduced requirements under this item reflect the vacancy rates reported in paragraph 12 above. These are offset by a corresponding amount under income from staff assessment.

III. Action to be taken by the General Assembly

26. The General Assembly is requested to take note of the present report.

Annex

Performance indicators for 1998

The Chambers

	Projection	*Implementation*
Trials	5	3
Appeals (full and interlocutory)	2	11 (2 full and 9 interlocutory)
Court days	260	198
Plenary days	5	5

The Office of the Prosecutor

	Projection	*Implementation*
Number of investigations	90	90
Motions/applications/responses	130	125
Trials under preparation	6	12
Trials being prosecuted	5	4
Trials completed	3	3
Verdicts	3	2
Appeals	3	2
Missions	500	470

The Registry

	Projection	*Implementation*
Press and information		
Media representatives on distribution list	1 000	1 210
Phone queries/document requests, press	850	1 000
Lawyers and Detention Facility management		
Number of detainees	40	32
Witness and victims support		
Witness	111	68
Witness support days	1 400	847
Witnesses with additional protective measures	32	16
Personnel services		
Staffing table	616	616
Applications received	5 000	4 500
Offers of appointment	100	100

	Projection	Implementation
Budget and finance services		
Payroll (regular and extrabudgetary)	495	495
Financial statements	12	12
General services		
Buildings management		
Work orders completed	150	150
Major maintenance projects	12	10
Travel		
Authorizations	862	1 028
Invoices	800	823
Security services		
Average number of patrols and posts covered daily	26	15
Visitors' passes issued	1 700	1 800
Officers covering courtrooms and accused	10	4
Conference and language support services		
Translation pages	15 000	18 746
Conference interpreters sessions	260	198
Field interpreters (days)	2 100	700